Sc. F. 116 of 93.

G. R. S. IX-5]

Previous references.

1892-93

192

(L. R.)

File No. 152 of

Serial Nos. 1 — 11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 11

Major Part B for January 1894.

SUBJECT.

~~Regarding the~~ Claim of Venkatachar of Sarjapur to a tope in Dommalur village.

Countermanded.

WD 2233—GPB—20,000—14-6-20

Andrews

Proceedings of the Chief Commissioner of Mysore in the Revenue Department, (Revenue),—dated 12th March 1880.

READ—

Petition registered No. 3912, dated 20th February 1880, from Pyaregaudana Munegauda of Hoskote, protesting against the orders of the Deputy Commissioner, Bangalore District, directing the removal of the hedge around the tope planted by him near the Travellers' Bungalow at Hoskote.

Letter from the Deputy Commissioner of the Bangalore District, No. 562, dated 27th February 1880, reporting on the above petition.

No. 6621-8—P. 725, DATED BANGALORE, 12TH MARCH 1880.

ORDER THEREON.—Public topes were in former days planted from charitable motives, the only consideration shewn by the Government being the exemption of the land from assessment. As such charitable motives were not found sufficient to promote the planting of topes, rules have been in force since July 1846, which authorize grants of inam lands in reward for the labor and the cost involved in the planting of the topes.

2. The tope under notice, planted by Munegauda of Hoskote, as well as many others in the District, are stated to have been planted within the last 10 years by the villagers as a body or by individuals, at the instance of the Deputy Commissioner without any stipulation for the grant of inam lands, the planters simply enjoying the use of the grass when the trees are young, and of the fruits of the trees afterwards. These latter, however, can be of little value if the topes, as arranged, are to be thrown open to the public, so that the planters do not derive any material return for the labor and cost involved in the planting, and the topes must be considered to owe their origin entirely to the influence of the public officers. The arrangement seems to be of doubtful expediency, and is not calculated to promote the planting of new topes, or the improvement of those already planted.

3. The planting of topes and trees will be better promoted by giving to the planters an absolute right in the topes. The Officiating Chief Commissioner, under the circumstances, considers that, in the case under notice, as well as in others similarly circumstanced, where the planters may come forward to pay the assessment of the land from the date of the planting of the tope, their offers may with advantage be accepted, and the topes recognized as their private property, subject to the payment of the Government assessment. These orders do not apply to the older public topes planted and long treated as public and charitable topes.

C. RANGACHARLU,
Revenue Secretary.

To—The Deputy Commissioner, Bangalore District.
„ Deputy Commissioners of other Districts.

(1.)

1880.

GOVERNMENT OF MYSORE.

REVENUE DEPARTMENT.

REVENUE.

To

THE DEPUTY COMMISSIONERS OF DISTRICTS.

Dated 12th March.

Despatched

Received

No. 6621-8.
P. 725.

Issues instructions relative to the right of planters to the *Topes* recently planted by them on payment of the assessment due on the land.

Mysore Govt. Press, Bangalore.—15-3-80.—30.

5 with the right of taking the produce &c.) it would tend to the destruction of the trees.

6 The appeal is against the above order.

7 The appellant contends-

(1) that his ancestors originally obtained the land on assessment & then planted the tope thereon at a great cost

(2) that the mere grant of the tope on assessment will not lend to the destruction of the trees.

8 The Petitioner has produced no documents to show that the tope was originally planted on land assessment where as the Dy Conrs report shews that the land appears to have been held on Amaram kanduyam.

9 The point for decision is -

whether the tope should be given to the Petitioner or whether assessed or with the right of taking the produce &c.

what were the terms & conditions of the grant or amaram kanduyam ?

10/7/19

Submitted -
The exact terms of the grant in this case are as submitted above not known.

'Amaram kanduyam' is generally the kanduyam granted for services rendered. The benefit of the grant is generally for the benefit of the grantee & his heirs.

Although the tope was planted on assessed land the Crown settlement did not recognize such land as giving title to the land. Hence it was treated as 'Crown' land.

P.J.

Re. only.

No reason assigned by the Dy Com. has been alleged to above.

(by the same Dy Supdt. in his name)

10/2/93

attended to
11/2

From the Copy of Sheet No: 295 ... ouncd of the Papers the following facts can be gathered -

Survey No. 86 which is also a sole khata annexed & Confirmed, did not exceed the amount mentioned in the Sanad of Khatedari Rao Inamdar ... because the Sanad which is dated 13 M. I of Chaitra in the year Jaya (1834-35) ... ouncd, shewed that the Land had been given on Lavani ... ment. 45 years survey No. 59 (the No: in dispute) prospective evidence was not produced.

11/2/93

Ask Reh
to furnish the
exact Survey
Khi a entry
of Kalbhadi
No. 59 of
Le Land as

11/2/93

Subd
It is seen from the Sketch attached ... Survey No. 59 is not in possession of any ... any Survey No. - Survey No. 59 is the case for ... ex me of, various Agencies & then that ... (the answer) becomes to deal in ... applicant the right ... for which Inamdar Sirdar has been ... granted in the Sanad, we decide ... case: Order to that effect ... desire for deletion of ... accordingly see above the same Charge.

Dupt. Survey with Appl & other ...

17/2

7 Continuation of Extract

The payment of the sums passed on the above mentioned Dr Commrs was asked to submit the accounts for 1853, 54 and 1857, upon the terms & conditions of the grant & Rajah Brooke on account of Kandahar and the said Kandahar was reduced in 1853-54 and again raised in 1857-58.

The Dr Commrs then submitted the accounts and reported — (1) that there is no record to show on what conditions the grant was made,

(2) that 2 farms were omitted in 1853-54 for want of proper steps and

(3) that the accounts was passed by 4 farms in 1857 as per order of 4th March 1857 of the Supreme Council of the Straits.

The Commissioners then (1853-54) were that Rajah Brooke paid many other Kandahars, 4 farms on account of Smugglers & and that the same account was paid to the farmers per Kilsmith (1838-39) on receipt of Arrears

Marriage Etc"

The Lawrenceburg Paid for
Sentinel (1873-74) does not
for that year have a record
of Judgments & that Journal is
the best Journal of that
P. 7.
7- 1/16 in record of land. Main Str
a-2. Str of Marriage - Registration
Int Marriage Printed Marriage
Fees

It is apparently the Custom
to not enter Marriage Fees & Licenses
Cops Clerk's Journal (1873-74) for Ref
Marriage Marriage Fees, but from
the entry in the Ledger below
lower down in the same record
and from the Abstract Cost
printed in the Supplemental Order
of 1877, Register 4 to the Licenses
it is clear that the Fees of
2 persons in 1873-74 were for
Marriage Marriage in this case not
for Fairbanks & Hunt, the Sentinel
(if any) in the entry entered
above being one of the Notes
Marriage and (the) Notes [illegible]

What Did & the Clerk
Record in 1873-74 Year:—
There was a Complete Set
Registration of Marriage only
2 persons Marriage the Date Issued
Marriage Fee Ad Ledger of Issued

Total Expenses of the Division
Appointed for the Settlement
(1837-38) of the Land due on Kalpa
of Rivers (Ibn) Amount to 4
Annas, that (Ibn) the Jodia
Boundaries for Land-Valuation
-tion, that is Jodia Division
(1843-44), the Survey Fee, Rent
two Annas per Bighas Amount
the Income of Annas Amount
of Land, that the extent of
Land planted in Bighas was
was 4 Kalpa 1¾ Rods, that the
Kalpa Jamin Survey Survey
Amounted, the Annas Land
planted upon was more than
one Kalpa & 7½ Rods, and
the Superintendent Explained that
the Income due to a fit
received, for the Superintendent
the Superintendent Kalpa
ordered that not only should
the Mamul Kandayan of
4 Annas be levied for the
Land (Kalpa) but that Kandayan
should be given on the Seven
Land-Rent according to Rivas
Accounts, & the Account
for 1857-58 the Increase
Income received on account
of Survey Expenditure—

Annas
2 - Total Income of the Division
of the Mamul Kandayan.

1-4-1 - Seven Land Rent according
Rivas Kalpa, Rods 3½ Rods Land
of the Land of 4 Annas.

From the above it appears

(1) that the Company [illegible] another different character from [illegible]

(2) that it was probably a special rate fixed for land granted for Military Service (vide Act of 8th Geo. IV)

(3) that it was probably a condition of the grant that Commissioners should be appointed to fix the rate per acre (vide Act 4 & 5 Vict. cap. 94 sections 9 & 10 printed below).

As the grant (which was without 1838-39) must have been made in accordance with the Circular under the Act passed for that purpose. If the Circular of 1841 cannot be found. In a Circular of that year it was said that the Commissioners should be glad to grant a different charge for Barrier Land in Auckland In 1842 and 1843 large additional sales were effected, mainly for cash for Military Scrip (which must either be sold for cash or else used for the purchase of Crown Lands) would be given in Shares for the whole of the Land. After that date no Land was to be granted for Military Scrip but only a part of the Consideration.

Order

Whether it was land
assessed or [redacted]
Amanee asst that
was paid prior to
[redacted] the Survey (1891-92)
It is clear that some
asst was paid by Pt
& he had possession
of the trees. It cannot
certainly be called
as Dharmadeya. The
Tribe may be granted
on land adjacent to
Petitioner, if he consents
to pay the assessment
from 1891-92. when
the tree taxes was abolished.
The Dy Comr is requested
to arrange accordingly

Dy 25 Mar

A.S.N-034

92-93

627(R)

Rev
379

13

(3)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 627
dated 15th August 92 received at the
Dewan's Office from Venkataswar
J Surjapur, Tahsildar Taluk
praying that the Sepe in
Survey number which has
been placed in Khara
during Survey, may be remo
and given to him, or that he can
allowed to cut the Sepe, this application
is forwarded, together with its four enclosures, to the Deputy Commr
Bangalore for enquiry
and submission of proceedings with
a report on the facts of the
case and on the points raised
in the petition.

2 The petition should be
returned.

From the same No. dated 31 May 92

L.R. 152-92-2

By Order,

Draft
16/8/92

16/17 Sept 1892 } for Chief Secretary.

Sent issued
17/9/92

(General Serial No. 50.)

19

1892/53 Per 232

4711.

From The Dy Commissioner
Bangalore District

To (4)

The Chief Secretary to the Dewan
of Mysore.

Dated 3rd November 92.

Despatched

Received

Enclosures No. 1 Petition
Papers

General No.

D No. 402

In reply to Ch: Secy's No. 379 dated 17-9-92. SUBJECT.

Reporting on petition from Venkatachar of Sarjapur, Anekal Taluk, praying that he may be allowed to enjoy the province of a Tope in Dunnasandra as the Tope is his ancestral property. ——

Pen for Govt 5/11

References (to be entered only in the Dewan's Office).

6-7

Recommended for Council with Memo 10/11/92

L.R 152-92-2

5/11/92

D. No. 402.

Enclosure to Letter No. dated 20

By Commissioners Office.
Bangalore District.
Dated 3rd December 1892.

(4)

To

The Chief Secretary to the Govt
of Mysore.

Sir,

In returning the enclosures received with your official Memo No. 379 dated 17th September 1892, I have the honor to state that the Tope referred to by the petitioner is situated at Chik Jummasandra Village, Hoskal Taluk. It bears Survey No. 59, measuring 1 acre and 4 Guntahs. It contains 78 trees, as particularised in the margin from the Swarnadayee Patti of the year Virari 1839, this tope appears to have been held by one Bapu-achar on Amrey Kaulagem of 4 fanams in the year Sobhakrithu

* forwarding for-put petition from Venkatachar of Bryapur Cutcherry Taluk, begging that he may be allowed to enjoy the produce of a tope in Jummasandra as the tope is his ancestral property.

* 70. Mango,
4. Honge
1. Ala
1. Nerlay.
2. Byala.

1843-44 this Kandayam was reduced to 2 fanams and again in the year Payangala 1857-58, it was raised to 5 7/8 fanams. This, the petitioner continued to pay, up to the date of the Survey Settlement, when it was proved that the Kandayam was the assessment of the land on which the trees stood, the Survey Kandayam was struck off by the Settlement Officer and the tope treated as Government property. The petitioner then applied to this Office to grant him the tope on assessment, but my predecessor after perusing the record declined to grant the request on the ground that it would lead to destruction of the Tope.

2. The vernacular papers connected with the case are herewith,

23

(5)

To

The Dy Commissioner
Bangalore Dt

L.R. 152-92-H

Dated 18/12/93.

Dsptd 20/12/93.

Encl.

No. 13939
Fet 1059-92

Her letter No. 402 dated 3 November 92 reporting on the petition of Venkatadri of Sarjapur, concerning a tope at Chik Jun[redacted]dra bearing Survey No 59

In the reference to above cited the Honble Board desire that the accounts noted in the margin may be forwarded to this office at an early date, with a report as to the terms on

1. Surrenadaya Patte for 1839
2. Rec[t]s for Fasli 1843-44
3. - for Fasli 1857-58

conditions of the grant
to Rajaradhan on Anaji
Kanadayan, and why
the ~~tax~~ inam Kanadayan
was reduced in 1843-44
and again raised in 1857-58

By Order

Collector

1858

SL Dec 6

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

General No.
No.

References to be marked.

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

To

The Dy. Comm.

Bangalore

Dated 6th March 1893.

No. 462/7 dt 1/4/93
Pet. 1251

with 2 enclosures

His Office Order No. 13939
Pet. 13939-92
dated 18th January 1893
Calling for certain accounts ~~and~~ together with explanation and report concerning [illegible] at Chik Ramanahalli bearing Survey No. 53.

L.R. 152-92-6

In drawing attention to the above ~~and~~ in connection with the accompanying petition dated 24th instant from Petitioner Venkatachar Gowda Ravi to object disbursement of fees should be prohibited.

By order.

31/3

Asst. Sec.

Register
Ch. Exd Asst
SNR
29.3.93

(General Serial No. 32)

1895.

No. 3266

Name of Petitioner. Venkatachar

Village.

Taluk. Kasaba

District. Bangalore

Date of Appl. 29 May 95

Date of Receipt. 4 June 95

Date of Disposal.

No. of Enclosures. Nil.

ABSTRACT.

States that Govt had given him the land adjoining to his house at Chikkadasarahalli and which had been classified as waste land by the Survey Dept: Sanction be made over to him on assessment. Fees have been taken for the excess of the extent Govt order. Hence requests that the same may be granted on early date.

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

28

(9)

To
The Deputy Commissioner
Bangalore City

L.R. 152-92-8

Dated 26.6.93

Rec'd 28/6/93.

Encl

Rc 21538
Feb 1700.

I am directed to refer to your letter No. 3073-92 dated 5.6.93 on the subject noted above and to state that the Land Revenue Rules, 1966 do not provide for grant of land for the purpose mentioned in your letter. However, the matter will be considered in the light of the provisions contained in the Karnataka Land Revenue Act, 1964 and the Rules made thereunder and a decision taken in the matter.

In this connection I am to state that the Government has not yet taken a decision in the matter of allotment of land to the Bangalore Turf Club.

29

32

(3)

Proceedings of the Govt of H. H. the Maharaja of Mysore

Read:—

L.R. 152-92-10

(1) Petition Regd No $\frac{627}{\text{Ms. 34}}$, dated 15th August 1892, from Venkataeiah of Sajjapura, Anekal Taluk, praying that the tope bearing S. No 59 in the village of Chikka Sunnandra, which was in his enjoyment, but which, at the Survey Settlement in 1891-92, was treated as Govt Kharab on the ground that Petitioner was paying only Amarayi Kandayam and not land assessment, may be assessed and restored to his holding.

(2) Letter No 402, dated 3rd November 1892, from the Deputy Commissioner Bangalore District, reporting on the above.

No 4 33

(3) Correspondence ending with the Bangalore Deputy Commissioner's docket- No 15- dated 5th July 1895.

Brief statement of facts

Whether it was land assessment or Amaani assessment that was paid prior to the Survey (1891-92), it is clear that some assessment was paid by Petitioner, and he has possession of the trees. It cannot certainly be called a "Shrotri Lease" The Lease may be granted on land assessment to Petitioner, if he consents to pay the assessment from

No. 627 / A.S.34

35

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
24 January 1894

Endorsement granted to Venkatajiah of Sarjapura, Anekal Taluk,

in reply to his Petition Registered No. 627 / A.S.34 dated 15th August 93 praying that the toje bearing S. Nos in the village of Chikka Nunnasandra may be assessed and given to him

L. R. 152-92-11

Petitioner is ~~informed that~~ Referred to the Deputy Commissioner Bangalore District, who has been requested to grant the toje to Petitioner on land assessment, if the Petitioner consents to pay the assessment from 1892-93, when the tree tax was abolished.

The enclosures are returned.

23/1/94

24/1

"By Order"

Draft
(Illegible)

Chief Secretary.

Mysore-Govt. Central Press, Bangalore.—9-2-93—2000.

Submitted to the Council

Petition No: 627 of 1892

Petitioner - Venkatachar of Sarjapur, Anekal Taluk, Bangalore District.

1 The Petitioner prays that the Amaram tope - Survey No: 59, extent 1-4, may either be assessed and given to him or he may be allowed to take the produce &c:

2 The land contains -

70 Mango trees
4 " "
1 Aala,
1 Nerle
2 Byala.

Total 78 trees. It was treated as Kharab during the survey settlement of 1891-92 because the land was not held on land assessment.

3 Prior to the survey settlement

This Tope was in the Khate of Lakshman Rao bin Babu Rao, but the enjoyment was, it is alleged, that of the Petitioner. It was subjected to an Amaras Kandayam of 5 7/8 fanams in 1857-58. The Kandayam was 2 fanams in 1844 & 4 fanams in 1839. The account of 1839 shews the name of Bapu Achar, (Petitioner's father)

4 After the survey settlement the Petitioner complained to the Asst: Dy: Supdt: who confirmed the orders passed during the settlement. The Petr: was at the same time referred to the Dy Collr. and required to produce proper documents in support of the claim.

5 On 23d Jany 1892 the Petitioner requested the Dy Collr to grant the land on assessment. After enquiry the Dy: Collr: (W. Meadows Rae) finally ordered on 12th May 1892 that the tope should continue to remain in the possession of Govt & that if it was given to the possession of the Petr (unassessed

2

* Nov 49 - This is not clear from the papers now in the accounts of Kan years will be called for if necessary. 24/2

submitted,
The Asst Collr reports that the Claimant be asserted in the Kandayam was fixed. The account of 1839 shows the Amaras for the Coming 4 fanams Amaras Cowle

what are the conditions? Refer the papers & any in the subject Instructions

Refer what date was the Amaras Kandayam fixed?

Submitted in Please para above 24 11/2/

cor 2/2/93

The Chief Commissioners' Proceedings
No 6621-8 dated 12th March 1880
P. 725
(Copy of which is put up) report
the old orders noticed above

In the present case the Special
concession shown in the planting
of tope having been withdrawn
and the Mámúl Kandayam
re-imposed in 1878 and levied
till the Survey Settlement it is
doubtful if the land could be said
to have been granted free of tax
and there is nothing in the proceedings
to show that any Jodi Inam had
been granted for upkeep, to bring
the case under the Circular of 1846.

The Deputy Commissioner, in
refusing to entertain the alternative
proposals of the Petitioner — viz: that
the tope be viewed as Sarkari
and he allowed to take produce
and dry wood on condition of his
replacing decayed trees by
new ones, or that the tope be disposed
and left in his possession — states
that the tope is a charitable one
which has come to the possession
of Government. It is not clear
if the Govt had possession before
the Survey authorities treated the
tope as Government Kharab.

The Petitioner speaks of the
tope as the Charity of his elders,

expresses solicitude to maintain it and prays for the said alternate relief. In a petition dated 23rd January 1892 he contended that the tax which he was paying was land tax, but in a deposition taken from him on 17th March 1892, it is referred to as Maravali. In his present appeal to Govt. he asserts that the land had been obtained for Kandayam.

There was an appeal before Govt. filed by one Nanjundaya regarding a tope situated in the same village (Chikkadunnesandra) the circumstances of which were somewhat similar to the present case. The decision therein is printed in the Proceedings Book of August 1893 (page 3 of the part containing decisions).

CM/12

(General Serial No. 82.)

1892

(2)

No. 627

Name of Petitioner. Venkatachar

Village. Sanjapura

Taluk. Anekal

District. Bangalore

Date of Arzi. 15 - 8 - 92

Date of Receipt. 8 - 9 - 92

Date of Disposal.

No. of Enclosures. Four

ABSTRACT.

The topes in Dunsandra enjoyed by the Petr by Anc ting has been during the Survey classed as Karab & reserved to Govt. but the ancty right to the produce alone was offered to Petr by the Dy. Commr which he consented but subsequen his was opposed by Co. Praying that the land may be either assessed or given him on right to produce - at least be given

12.9.92

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

15-8-92

Submitted 22 for reference and obliging return.

I have the honor to be
Sir,
Your Most-Obedient Servant
for Co Chpoorawurk
for Dy Commissioner

8R

1893

(General Serial No. 32.)

1893.

No. 2408

Name of Petitioner. Venkatachar.

Village. Surjapur

Taluk. Anekal

District. Bangalore

Date of Arzi. 14 - 3 - 93

Date of Receipt. 16 - 3 - 93

Date of Disposal.

No. of Enclosures. one

L.R. 152-92-S

ABSTRACT.

2nd Reminder Dft. appeal preferred Dist. office about 5 or 6 months ago on the subject of the resumption of his Vpe D Govt. States that the Dy. Commr. declines to keep in Amanath the produce of his Vpe till the disposal of his appeal. - Prays for order D the appeal asked. States that the trees are absolutely destroyed by rodents —

Sd/ 18/3/93

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

vide order recorded on Petition
to the Chief Secretary.

Petn Br
Inm
7/7

30

1. — Do — Punjaka — 1857-58

L.R 152-92 9

(General Serial No. 30.)

1893-94 141

JUL. 93

From The Dy Commissioner Pet 3
Bangalore District

(10)

To

The Chief Secretary to the Dewan
of Mysore.

Dated 5th July 1893.

Despatched Do

Received

Enclosures No. 4

General No.
D No. 15.

The Chief Secretary's
No. 13939 dated 18th February
1039
last, calling for certain
information with reference
~~to the petition~~ of Venkata
Char of Sarjapur con
cerning a Tope at Chikka
Junnasandra.

"

As called for in the
above has the honor
to submit the marginally

M. G. C. P. Bangalore.—27-1-93.—5,000.

noted accounts, and to state that there is no Record to shew on what Conditions the grant was made -

2. As regards the fluctuation of assessment, 2 fanams were remitted in Sobhakrithu for not planting Mango trees, and in 1857, the assessment was raised to 4 fanams, as per order No. 47 dated 19th December 1857 of the Superintendent of the late Bangalore Division, Copy of which is herein enclosed

M Ramachandra

For Dy Commissioner.

VWS

from 1891-92 when the
tree tax was abolished.

The Deputy-Commissioner
is requested to arrange
accordingly.

Draft-
(Council order)

Ld 25/1

for Chief Secretary

To

The Deputy-Commr
Bangalore Distt. with records.
The Survey Superintendent.

S.V.